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DAE \$151

PTO/SB/21 (08-03)

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TRANSMITTAL FORM

Application Number	10/758,831
Filing Date	January 15, 2004
First Named Inventor	Roelof Van Ginkel
Art Unit	1621
Examiner Name	Unassigned
Attorney Docket Number	8500-0276.11

Patent to be used for all correspondence after initial filing)

Mail Stop

ENCLOSURES (Check all that apply)

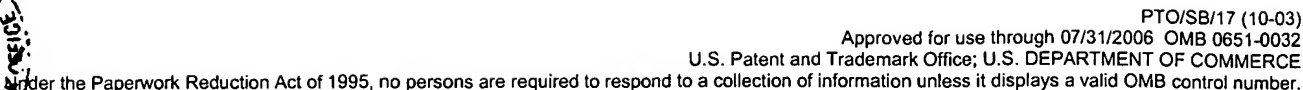
<input type="checkbox"/> No fee due <input type="checkbox"/> Fee Transmittal <input checked="" type="checkbox"/> Fee(s) due <input checked="" type="checkbox"/> Fee Transmittal <input checked="" type="checkbox"/> Check for \$810.00 <input checked="" type="checkbox"/> Charge any underpayment or credit any overpayment to Deposit Account No. 18-0580 <input checked="" type="checkbox"/> Return postcard <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement & Form(s) PTO-1449 <input type="checkbox"/> Copy(ies) of cited reference(s) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts / Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s):	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Notice of Error in Establishing Small Entity Status and Payment of Fees Under 37 C.F.R. § 1.28(c)
Remarks: The Commissioner is hereby authorized to charge any additional or underpayment of fee(s) to Deposit Account No. 18-0580.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name (print/type)	Shelley P. Eberle, Reg. No. 31,411 Reed & Eberle LLP	Telephone	(650) 330-0900
Signature	<i>Shelley Eberle</i>	Date	April 30, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Name (print/type)	Joe Clark	Date	April 30, 2004
Signature	<i>Joe Clark</i>	Date	April 30, 2004



Effective 10/01/03. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	\$810.00
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Complete if Known

Application Number	10/758,831
Filing Date	January 15, 2004
First Named Inventor	Roelof Van Ginkel
Examiner Name	Unassigned
Group Art Unit	1621
Attorney Docket No.	8500-0276.11

METHOD OF PAYMENT *(check all that apply)*

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account No.	18-0580
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Deposit Account Name	Reed & Eberle LLP
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The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Charge any underpayment or credit
any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	385.00
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)	\$385.00
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2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims		Fee from below		Fee Paid
Total Claims	29	- 20** =	9	x	\$9	=	\$81.00
Independent Claims	11	- 3** =	8	x	\$43	=	\$344.00
Multiple Dependent						=	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claim in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 over original patent

SUBTOTAL (2)	\$425.00
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****or number previously paid, if greater; For Reissues, see above**

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1,330	2453	665	Petition to revive – unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

9

SUBMITTED BY

Name (Print/Type)	Shelley P. Eberle
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Registration No. (Attorney/Agent)	31,411
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Complete (if applicable)

(650) 330-0900

Signature

Sherry Eberle

Date _____

April 30, 2004



Atty Dkt No. 8500-0276.11
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Roelof VAN GINKEL et al.

Confirmation No.: 7137

Serial No.: 10/758,831

Group Art Unit: 1621

Filing Date: January 15, 2004

Examiner: Unassigned

Title: PREPARATION OF PHOSPHORUS-CONTAINING COMPOUNDS USEFUL IN THE
PREPARATION OF BIPHOSPHINE LIGANDS

**NOTICE OF ERROR IN ESTABLISHING SMALL ENTITY STATUS AND
PAYMENT OF FEES UNDER 37 C.F.R. § 1.28(C)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On January 15, 2004, Applicants filed the above-identified patent application, claiming it was entitled to Small Entity Status, and paying the small entity fees. Subsequently, Applicants learned that Small Entity Status does not, in fact, apply in this case. Applicants submit that both the establishment and payment of Small Entity fees were made in good faith and without the intent to deceive. Applicants seek to remedy this error under 37 C.F.R. § 1.28(c) by submitting payment of the deficiency between the amount paid and the amount due. Accordingly, a check for \$810.00 to cover the shortages of the fees for a large entity, as itemized on the attached fee transmittal.

05/06/2004 HGBREM1 00000066 10758831

01 FC:1001	770.00 OP
02 FC:1201	688.00 OP
03 FC:1202	162.00 OP

Respectfully submitted,

By:

Shelley P. Eberle

Shelley P. Eberle

Registration No. 31,411

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